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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,545	08/24/2001	Stephan Hartwig	1123.40573X00	8708
22907	7590	05/01/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			CHANKONG, DOHM	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,545

Applicant(s)

HARTWIG ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> In view of the Appeal Brief filed on 2.24.2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

A handwritten signature in black ink, consisting of a stylized 'B' followed by a series of loops and a long horizontal stroke.

2> Claims 1, 2, 6 and 9-15 are presented for further examination.

3> This is a non-final rejection.

Response to Arguments

1> In regards to claims 1, 2, 10, 11, 14 and 15, Applicant's arguments in the Appeal Brief, filed 2.24.2006, are persuasive. These rejections are withdrawn. However, a new grounds of rejection is submitted in light of newly discovered prior art.

2> Applicant's arguments in regards to claim 6 have been considered but are not persuasive. Applicant argues in substance: (a) Hollstrom and Rezvani do not disclose a pluggable server connected to said device via a standardized interface [this argument was made in regards to claim 1 as well]; and (b) Hollstrom and Rezvani do not disclose transferring user interface content by a wireless protocol stack from said pluggable server to said wireless remote control terminal. The Office disagrees for the reasons set forth below.

First, with respect to (a), Applicant further opines that the interface and connector provides a "pluggable electro-mechanical interface for inserting a pluggable server". This limitation is not present in the claim language. The claims merely require a standardized interface and connector to connect the server module to a device. The Office submits that, for example, a device to be controlled may connect to a pluggable server using a standardized interface and connector over an network connection (the server "plugs" into the network; the claim does not specify that the server must plug into the device to be controlled). The server must merely "connect" to the device and a connection over a network is reasonable interpretation of the claim language. Absent any clarifying language within the claim itself, the Office is free to give any claim language its most reasonable broadest interpretation.

Hollstrom discloses that his invention is concerned with “controlling and operating electronic utility devices in a standardized...fashion” [0010]. Applicant’s assertions fail to discuss this point made in the Advisory Action, filed 12.12.2005. The only connection established between Hollstrom’s server module and the utility device is the serial cable [Figure 2 «item 350»]. Thus, as Hollstrom discloses controlling utility devices in a standardized manner, and the server module provides an interface between the server module and the utility devices, it is reasonable for one of ordinary skill in the art that the interface is standardized such as to achieve Hollstrom’s stated purpose. As the claim merely requires a “standardized” interface, Hollstrom’s interface clearly reads on the limitation.

Second, with respect to (b), Applicant’s arguments are not persuasive. As stated previously, Applicant argues that Hollstrom does not disclose transferring user interface content from a pluggable server to said wireless remote control terminal. Applicant then goes on to state: “[T]he user interface content...of Applicant’s claimed invention is stored in the pluggable server and is transferred to the...terminal.”

This argument does not apply to claim 6 because, unlike claim 1, claim 6 does not contain any language that requires the user interface content to be stored on the server; claim 6 merely requires that the server transfer the content to the remote control terminal, and nothing more. Hollstrom discloses transferring interface content from the server to the remote control device [0035 : “contents that will be supplied by the WAP server to the mobile telephone”].

Thus, Applicant’s arguments are not persuasive, and the 35 U.S.C § 103(a) rejection of claim 6 is maintained.

3> With respect to claim 9, Applicant argues in substance that Rezvani does not disclose a pluggable server module connected to a standardized interface connector of said device.

With respect to claim 10, Applicant asserts the previous argument and further argues that Rezvani does not disclose storing said user interface data in said pluggable server module.

In regards to (b), Applicant's argument is persuasive and a new ground of rejection is set forth for claim 10 below.

In regards to (a) however, Applicant's argument is not persuasive. Rezvani clearly discloses that his monitoring module (analogous to claimed server module) is connected to devices to be controlled through standardized interfaces and connectors such as USB [0147]. A USB port is well known in the art as being a standardized interface and connector between devices. Thus, the rejection of claim 9 is maintained [claim 9 does not require the pluggable server module to store the user interface data, merely that the data be transferred to it].

Claim Rejections - 35 USC's 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4> Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Specifically, claim 6 discloses that a terminal "may" contain a set of commands. Such language does not distinctly define the scope of the invention.

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- b. Claim 10 discloses that a network access point "may" be the remote control terminal. Claim 10 is indefinite.
- c. Claim 10 also discloses "receiving said user interface data by response from said communication network". It is unclear what is meant by the terms "by response" as the claim does not specify in response to what that the user interface is received. The claim also fails to expressly define what device receives the user interface data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5> Claims 1, 9, 12 and 13 are rejected under 35 U.S.C § 102(e) as being unpatentable over Maymudes, U.S Patent No. 6.748.278.

6> As to claim 1, Maymudes discloses a pluggable (universal plug and play) server module [column 3 «lines 2-10»] for remote control of a device, comprising

- a wireless transceiver [column 3 «lines 22-26»],
- a computing means [column 3 «lines 2-5»],

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- a storage means [Figure 2 «items 212, 214»],
- a server remote control logic [Figure 2 «item 234»],
- a standardized interface and connector for connection to said device [Figure 2 «item 252» | column 3 «lines 5-16» where : universal plug and play interfaces are standardized for various devices],
- wherein said wireless transceiver is connected to said computing means [column 3 «lines 22-40»],
- said computing means is connected to said server remote control logic [Figure 2 | column 4 «lines 5-47»],
- said remote control logic is connected to said standard interface and said connector [Figure 2 | column 4 «lines 5-47»], and
- said storage means is connected to said computing means for storing user interface data [Figure 2 «item 230» | column 4 «lines 5-47» | column 6 «lines 8-56»].

7> As to claims 9, 12 and 13, Maymudes discloses a method for transferring device specific user interface data for preparing the remote controlling of a device by means of a pluggable server module, from said device to said pluggable server module, comprising the steps of:

detecting a pluggable server module connected to a standardized interface and a connector of said device [column 3 «lines 2-16» | claim 5];

retrieving the user interface data from a storage means of said device [column 7 «lines 56-65»]; and

transferring the user interface data to said pluggable server module via said standardized interface and said connector [column 7 «lines 56-65» | claim 9].

8> Claims 9, 12 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Rezvani et al. U.S Patent Publication No. 2003|0140107 [“Rezvani”].

9> In regards to claims 9, 12 and 13, Rezvani discloses a method for transferring user interface data for preparing the remote controlling of a device by means of a pluggable server module, from said device to said pluggable server module (abstract lines 1-5), comprising the steps of:

- detecting a pluggable server module connected to a standardized interface and a connector of said device [0061, 0140- 0147] ;
- retrieving said user interface data ([0060] [0076]) from a storage means([0058]) of said device
- transferring said user interface data to said pluggable server module via said standardized interface and said connector [0060].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10> Claims 1-2 and 14-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hollstrom et al, U.S Patent Publication No. 2001/0056502 ["Hollstrom"], in view of Maymudes.

11> In regards to claim 1, Hollstrom discloses a pluggable (e.g. connected directly to the devices) server module (31,41,51) for remote control (of a device (30,40,50), comprising

- a wireless transceiver (364,362), a computing means (310),a storage means (320), a server remote control logic (348, [0041]), a standardized interface and connector for connection to said device (350), wherein said wireless transceiver (364,362) is connected to said computing means (310), and said computing means (310) is connected to said server remote control logic (348) said remote control logic(348, [0041]) is connected to said standard interface and connector (350) and said storage means(320 [0035][0040]) is connected to said computing means (310).

Hollstrom does not expressly disclose storing user interfaces at the server module.

12> Maymudes discloses storing user interface data at the storage means of a pluggable server module [Figure 2]. It would have been obvious to modify Hollstrom's server module such that it stores the user interface data as taught by Maymudes. One would have been motivated to provide such a combination to provide an improved system for controlling

multiple different devices without pre-programming remote controllers [see Maymudes, column 1 «lines 41-44»].

13> In regards to claim 2, Hollstrom discloses (see fig. 3) a pluggable server module according to claim 1, further comprising a wireless protocol stack server (340) connected between said wireless transceiver (362,364) and said computing means (310).

14> In regards to claim 14 and 15, Hollstrom discloses a device(400) comprising a logic element(e.g. CGI routines that when executed by control logic-140 controls functionally of the device[0038]), and a control logic[410], and being characterized by a standard interface and connector (460, [0036]) for operable connecting to a pluggable server(31,541,51) according to claim 1 or claim 2, wherein said standard interface and connector are connected to said control logic and said control logic is connected to said logic element (fig. 4 e.g. connection between 410 and 430, [0038]).

15> Claims 2, 14 and 15 are rejected under 35 U.S.C § 103(a) as being unpatentable over Maymudes, in view of Hollstrom.

16> As to claim 2, Maymudes discloses utilizing wireless technology but does not expressly disclose a wireless protocol stack server connected between said wireless transceiver and said computing means.

17> In the same field of invention, Hollstrom is directed towards a server device designed to intercommunicate between devices such that one device may remotely control another device. Hollstrom discloses such a server device to comprise a wireless protocol stack server connected between a wireless transceiver and a computing means [Figure 2]. It would have been obvious to one of ordinary skill in the art to incorporate Hollstrom's wireless protocol stack server into Maymudes' computer facilitator (analogous to Hollstrom's service device). The presence of the stack server would enable a more efficient implementation of Maymudes' computer facilitator because it would be able to communicate with a wider variety of communications protocols and devices [see Hollstrom, 0032].

18> As to claims 14 and 15, Maymudes discloses a device characterized by a standardized interface and connector for operably connecting to a pluggable server according to claim 1 [column 3 «lines 2-16»] but does not expressly disclose a device comprising a logic element and control logic. However, logic elements and control logic are inherent to Maymudes system as the device to be controlled are computer devices [column 1 «line 54» to column 2 «line 2»]. Furthermore, Hollstrom expressly discloses that the device to be controlled contain logic element and control logic [Figure 4 | 0036-0038]. Thus, it would have been obvious to one of ordinary skill in the art to have reasonably inferred that Maymudes' device would contain a logic element and control logic based on Hollstrom's teachings.

19> Claim 6, 12, and 13 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hollstrom, in view of Rezvani et al. U.S Patent Publication No. 2003/0140107 [“Rezvani”].

20> In regards to claims 6, and 12 Hollstrom discloses a method for remote controlling of a device by a wireless remote control terminal (10) via a wireless link (32), a pluggable server (31,51,41) connected to said device via standard interface and connector (350) and computer program embodied on a tangible medium by a wireless remote control terminal (10) via a lower power radio link and a pluggable server (31,41,51) , comprising a program code , when said program is run on the pluggable server for carrying out the following steps:

- transfer user interface content and/or auxiliary content interface (e.g. use full information, start page) by a wireless protocol stack(340) from said pluggable server(31,51,41) to said wireless remote control terminal (10) that may be among others a set of commands (e.g. plurality of controls) for controlling said device or said pluggable server via said wireless link [0042][0043][0045].
- displaying said contents on a display (13) in said wireless remote control terminal [0045]
- selecting one of the commands ([0047]) in said terminal(50), by a user input ([0045]); and generating a contents request in said terminal (e.g. request to view pictures) according to said selection;
- transferring a content request by wireless protocol stack(240) via said wireless link ([0044]) from said wireless remote control terminal (10) to said pluggable server (41) [0045] [0047]
- invoking the desired remote command (in device (41)) by using a communication protocol on the standard interface and connection, the remote command being

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triggered, specified and parameterized by said content request to the pluggable server[0047].

- executing said command in said device[00047]
- transmitting and displaying said corresponding response page on the remote control terminal ([0045-0047])

Hollstrom is silent on

- communicating the results of the remote command execution in said device from said device to said pluggable server
- creating a corresponding response page in said pluggable server ;

Rezvani discloses:

A method for remote controlling of a device ([0004]-lines 1-3, [0054]-lines 1-14, [0056]) by a wireless remote control terminal ([0038] lines 9- 10) via a wireless link ((0039-lines 5-11, (0050)-line 7), a pluggable server (28) connected to said device (32) via a standardized interface and a connector ([0051]-lines 1-10,[0052], lines 6-15 [0057] lines 1-6) and computer program embodied on a tangible medium ([0049][0051][0060][0140) by a wireless remote control terminal (17,22) via a lower power radio link and a pluggable server (28) , comprising a program code when said program is run on the pluggable server(28) for carrying out the following steps of:

- transferring a content request by wireless protocol stack (e.g. WAP enabled cell phone [0082]) via said wireless link from said wireless remote control terminal(17,22) to said pluggable server(28) ([0064][0074][0085]).

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- invoking the desired remote command in device ([0085] by using a communication protocol on the standardized interface and connector (e.g. connection between (28) and (34) in fig. 1), the remote command being triggered, specified and parameterized by said content request to the pluggable server ([0005-0006], [0042][0078])
- executing said command in said device; ([0060], lines 9-12)
- communicating the result of the remote command execution in said device from said device to said pluggable server ([0062]-lines 11-15, [(0080)])
- creating a corresponding response page in said pluggable server ([0074] lines 5-13 , [0042]) and
- transmitting and displaying said corresponding response page on the remote control terminal ([0042], [0053] lines 4-6, [0075] lines 7-16, [0077] lines 1-6, [0080][0090]) .

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Hollstrom et al. by having communicating the results of the remote command execution in said device from said device to said pluggable server creating a corresponding response page in said pluggable server and transmitting and displaying said corresponding response page on the remote control terminal, as taught by Rezvani et al. in order to display a current state of a device [0090]

21> Claims 10, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Rezvani, in view of Maymudes.

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22> In regards to claim 10, Rezvani discloses a method of retrieving user interface data (e.g. programming, objects, device descriptor (49), user interface (58)) for preparing the controlling of a device by means of pluggable server module to enable interaction of the device, wirelessly (e.g. WAP enabled phone (17) [0082]), with remote terminal[0060], said method comprising the steps of:

- requesting device identifying information (e.g. drivers, unique strings, device specific template etc) from said device, containing at least device and manufacture related information [0061][0076][0142][0144][0147];
- receiving and storing said device identifying information (e.g. templates, drivers, unique strings) in said pluggable server module including updating stored identifying information of said device in said pluggable server module ([0094] [0147] e.g. obtaining info from device, receiving updates from manufacturer);
- transferring said device identifying information to a network access point (14,17 [0038]) which may be the remote control terminal itself;([0094- 0096]);
- transferring said device identifying information from said Network Access Point to a communication network; ([0094- 0096]);
- receiving said user interface data by response from said communication network ([0094- 0096]); and

Rezvani does not expressly disclose storing said user interface data in said pluggable server module, however it should be noted that Rezvani does disclose that the templates (user interface data for the device to be controlled) “may exist at *any* suitable point in a given system” (emphasis added) [0094].

23> Maymudes discloses storing user interface data at a pluggable server module that interfaces a remote control terminal with a device to be controlled [Figure 2]. Thus, in light of Maymudes, it would have been obvious to one of ordinary skill in the art to store the templates (user interface data) at Rezvani's monitoring module (server module).

In regards to claim 12,13, Rezvani discloses computer program embodied on a tangible medium ([0049][0051][0060][0140] by a wireless remote control terminal (17,22) via a lower power radio link and a pluggable server (28) , comprising a program code when said program is run on the pluggable server(28) for carrying out the above steps in claims 9 and 10.

24> Claims 11,12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezvani and Maymudes as applied to claim 10 above further in view of Rudd et al. U.S Patent No. 6.178.468 ["Rudd"].

25> In regards to claim 11,12 and 13 Rezvani teaches a method according to claim 10 wherein the transfer of said device identifying information from said remote control terminal (17,22) to said communication network (16) is executed by :

- transferring device identifying information said internet access point (23) to said communications network(16) via the internet [0038][0039]

Rezvani also discloses computer program embodied on a tangible medium

([0049][0051][0060][0140] by a wireless remote control terminal (17,22) via a lower power

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radio link and a pluggable server (28) , comprising a program code when said program is run on the pluggable server(28) for carrying out the above steps.:

Rezvani is silent on:

- first transferring device identifying information to a first internet access point via a telephone network..

Rudd discloses:

a method wherein the transfer of said device identifying information from said remote control terminal to said communication network is executed by:

- Transferring said device-identifying information first to an Internet access point via a telephone network (col. 4 lines 65-67), and then
- Transferring said device-identifying information from said Internet access point to said communication network via Internet. (col. 4 lines 10-11, 16-18)

Rudd also discloses computer program when said program is run carries out the above steps (abs e.g. code causing installation and downloading of files to occur).

Rudd teaches alternate sources (URL, BBS, LAN, WAN) may be used to retrieve installation resources (col. 4 lines 60-68) where the structure and logic remains the same.

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Rezvani by having first transferring device identifying information to a first internet access point via a telephone network (e.g. BBS), as taught by Rudd in order to allow for efficiency, convenience and real time mechanism for obtaining device identifying information, instead of requiring a module be pre-supplied with user interface data and allow

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the Rezvani's system to leverage the plug and play functionality of the Rudd's system. (See Rudd col. 2 lines 25-44).

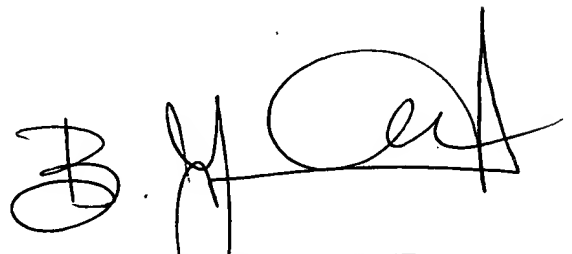
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER